

**ASSEMBLY BILL**

**No. 1647**

**Introduced by Assembly Member Negrete McLeod**

February 22, 2005

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An act to amend Section 830.3 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1647, as introduced, Negrete McLeod. Peace officers.

Existing law specifies who is a peace officer and defines their authority. Existing law defines various categories of state peace officers, some of whom are prohibited from carrying firearms, or may only carry firearms with the authorization of their employing agency.

This bill would generally remove those prohibitions against carrying firearms for specified categories of state peace officers. The bill would require additional specialized training for these officers, as specified, and would require them to requalify in the use of firearms every 6 months or less, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 830.3 of the Penal Code is amended to  
2 read:  
3 830.3. The following persons are peace officers whose  
4 authority extends to any place in the state ~~for the purpose of~~  
5 ~~performing their primary duty or when making an arrest pursuant~~  
6 ~~to Section 836 of the Penal Code as to any public offense with~~  
7 ~~respect to which there is immediate danger to person or property;~~

1 ~~or of the escape of the perpetrator of that offense, or pursuant to~~  
2 ~~Section 8597 or 8598 of the Government Code. These peace~~  
3 ~~officers may carry firearms only if authorized and under those~~  
4 ~~terms and conditions as specified by their employing agencies:~~

5 (a) Persons employed by the Division of Investigation of the  
6 Department of Consumer Affairs and investigators of the  
7 Medical Board of California and the Board of Dental Examiners,  
8 who are designated by the Director of Consumer Affairs,  
9 provided that the primary duty of these peace officers shall be the  
10 enforcement of the law as that duty is set forth in Section 160 of  
11 the Business and Professions Code.

12 (b) Voluntary fire wardens designated by the Director of  
13 Forestry and Fire Protection pursuant to Section 4156 of the  
14 Public Resources Code, provided that the primary duty of these  
15 peace officers shall be the enforcement of the law as that duty is  
16 set forth in Section 4156 of that code. *These peace officers may*  
17 *carry firearms unless prohibited by the director.*

18 (c) Employees of the Department of Motor Vehicles  
19 designated in Section 1655 of the Vehicle Code, provided that  
20 the primary duty of these peace officers shall be the enforcement  
21 of the law as that duty is set forth in Section 1655 of that code.

22 (d) Investigators of the California Horse Racing Board  
23 designated by the board, provided that the primary duty of these  
24 peace officers shall be the enforcement of Chapter 4  
25 (commencing with Section 19400) of Division 8 of the Business  
26 and Professions Code and Chapter 10 (commencing with Section  
27 330) of Title 9 of Part 1 of this code.

28 (e) The State Fire Marshal and assistant or deputy state fire  
29 marshals appointed pursuant to Section 13103 of the Health and  
30 Safety Code, provided that the primary duty of these peace  
31 officers shall be the enforcement of the law as that duty is set  
32 forth in Section 13104 of that code.

33 (f) Inspectors of the food and drug section designated by the  
34 chief pursuant to subdivision (a) of Section 106500 of the Health  
35 and Safety Code, provided that the primary duty of these peace  
36 officers shall be the enforcement of the law as that duty is set  
37 forth in Section 106500 of that code.

38 (g) All investigators of the Division of Labor Standards  
39 Enforcement designated by the Labor Commissioner, provided  
40 that the primary duty of these peace officers shall be the

1 enforcement of the law as prescribed in Section 95 of the Labor  
2 Code.

3 (h) All investigators of the State Departments of Health  
4 Services, Social Services, Mental Health, Developmental  
5 Services, and Alcohol and Drug Programs, the Department of  
6 Toxic Substances Control, the Office of Statewide Health  
7 Planning and Development, and the Public Employees'  
8 Retirement System, provided that the primary duty of these peace  
9 officers shall be the enforcement of the law relating to the duties  
10 of his or her department or office. ~~Notwithstanding any other~~  
11 ~~provision of law, investigators of the Public Employees'~~  
12 ~~Retirement System shall not carry firearms.~~

13 (i) ~~The Chief of the Bureau of Fraudulent Claims of the~~  
14 ~~Department of Insurance and those investigators designated by~~  
15 ~~the chief Investigators of the Department of Insurance~~  
16 ~~designated by the Insurance Commissioner,~~ provided that the  
17 primary duty of those investigators shall be the enforcement of  
18 *Section 550 and other laws regulating persons and businesses*  
19 *licensed by the Department of Insurance.*

20 (j) Employees of the Department of Housing and Community  
21 Development designated under Section 18023 of the Health and  
22 Safety Code, provided that the primary duty of these peace  
23 officers shall be the enforcement of the law as that duty is set  
24 forth in Section 18023 of that code.

25 (k) Investigators of the office of the Controller, provided that  
26 the primary duty of these investigators shall be the enforcement  
27 of the law relating to the duties of that office. ~~Notwithstanding~~  
28 ~~any other law, except as authorized by the Controller, the peace~~  
29 ~~officers designated pursuant to this subdivision shall not carry~~  
30 ~~firearms.~~

31 (l) Investigators of the Department of Corporations designated  
32 by the Commissioner of Corporations, provided that the primary  
33 duty of these investigators shall be the enforcement of the  
34 provisions of law administered by the Department of  
35 Corporations. ~~Notwithstanding any other provision of law, the~~  
36 ~~peace officers designated pursuant to this subdivision shall not~~  
37 ~~carry firearms.~~

38 (m) Persons employed by the Contractors' State License  
39 Board designated by the Director of Consumer Affairs pursuant  
40 to Section 7011.5 of the Business and Professions Code,

1 provided that the primary duty of these persons shall be the  
2 enforcement of the law as that duty is set forth in Section 7011.5,  
3 and in Chapter 9 (commencing with Section 7000) of Division 3,  
4 of that code. ~~The Director of Consumer Affairs may designate as~~  
5 ~~peace officers not more than three persons who shall at the time~~  
6 ~~of their designation be assigned to the special investigations unit~~  
7 ~~of the board. Notwithstanding any other provision of law, the~~  
8 ~~persons designated pursuant to this subdivision shall not~~  
9 ~~carry firearms.~~

10 (n) The Chief and coordinators of the Law Enforcement  
11 Division of the Office of Emergency Services.

12 (o) Investigators of the office of the Secretary of State  
13 designated by the Secretary of State, provided that the primary  
14 duty of these peace officers shall be the enforcement of the law  
15 as prescribed in Chapter 3 (commencing with Section 8200) of  
16 Division 1 of Title 2 of, and Section 12172.5 of, the Government  
17 Code. ~~Notwithstanding any other provision of law, the peace~~  
18 ~~officers designated pursuant to this subdivision shall not carry~~  
19 ~~firearms.~~

20 (p) The Deputy Director for Security designated by Section  
21 8880.38 of the Government Code, and all lottery security  
22 personnel assigned to the California State Lottery and designated  
23 by the director, provided that the primary duty of any of those  
24 peace officers shall be the enforcement of the laws related to  
25 assuring the integrity, honesty, and fairness of the operation and  
26 administration of the California State Lottery.

27 (q) Investigators employed by the Investigation Division of the  
28 Employment Development Department designated by the  
29 director of the department, provided that the primary duty of  
30 those peace officers shall be the enforcement of the law as that  
31 duty is set forth in Section 317 of the Unemployment Insurance  
32 Code.

33 Notwithstanding any other provision of law, the peace officers  
34 designated pursuant to this subdivision shall not carry firearms.

35 (r) The chief and assistant chief of museum security and safety  
36 of the California Science Center, as designated by the executive  
37 director pursuant to Section 4108 of the Food and Agricultural  
38 Code, provided that the primary duty of those peace officers shall  
39 be the enforcement of the law as that duty is set forth in Section  
40 4108 of the Food and Agricultural Code.

1 (s) Employees of the Franchise Tax Board designated by the  
2 board, provided that the primary duty of these peace officers  
3 shall be the enforcement of the law as set forth in Chapter 9  
4 (commencing with Section 19701) of Part 10.2 of Division 2 of  
5 the Revenue and Taxation Code.

6 ~~(t) Notwithstanding any other provision of this section, a peace~~  
7 ~~officer authorized by this section shall not be authorized to carry~~  
8 ~~firearms by his or her employing agency until that agency has~~  
9 ~~adopted a policy on the use of deadly force by those peace~~  
10 ~~officers, and until those peace officers have been instructed in the~~  
11 ~~employing agency's policy on the use of deadly force.~~

12 ~~Every peace officer authorized pursuant to this section to carry~~  
13 ~~firearms by his or her employing agency shall qualify in the use~~  
14 ~~of the firearms at least every six months.~~

15 ~~(u) Investigators of the Department of Managed Health Care~~  
16 ~~designated by the Director of the Department of Managed Health~~  
17 ~~Care, provided that the primary duty of these investigators shall~~  
18 ~~be the enforcement of the provisions of laws administered by the~~  
19 ~~Director of the Department of Managed Health Care.~~  
20 ~~Notwithstanding any other provision of law, the peace officers~~  
21 ~~designated pursuant to this subdivision shall not carry firearms.~~

22 *(u) No later than six months after being appointed under this*  
23 *section, or prior to being hired under this section, in addition to*  
24 *specialized training provided to an officer by the employing*  
25 *agency, an officer shall have completed the training prescribed*  
26 *under Section 832. Officers who are newly hired or appointed*  
27 *under this section after January 1, 2006, shall also have*  
28 *completed the Specialized Investigations Basic Course or*  
29 *Regular Basic Course, developed by the Commission on Peace*  
30 *Officer Standards and Training. Every peace officer under this*  
31 *section shall have successfully completed the firearms training as*  
32 *required by Section 832 and shall requalify in the use of firearms*  
33 *every six months or less as directed by the employing agency.*